

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

WILLIAM SELTZER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:07CV01665 ERW
	)	
CHARLES BRYSON, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on plaintiff's motion for reconsideration. In the motion, plaintiffs argue that the Court erred because it dismissed the complaint without giving plaintiffs leave to amend the complaint. Plaintiffs have not, however, submitted a proposed amended complaint for the Court to review. If plaintiffs wish to file an amended complaint, they must submit to the Court a motion to file an amended complaint along with a proposed amended complaint for the Court to review. As a result, the motion to reconsider will be denied without prejudice.

Additionally, it has come to the Court's attention that plaintiff Seltzer has, while incarcerated, brought 3 or more civil actions in federal court that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief can be granted. See Seltzer v. Missouri Public Defenders of the 22nd Judicial Circuit, 4:07CV1446 RWS (E.D. Mo. 2007); Seltzer v. Republic Tobacco Co., 4:92CV1988 GFG (E.D. Mo. 1992); Seltzer v. Nixon, 2:95CV4325 SOW (W.D. Mo. 1995). As a result, Seltzer

may not proceed in forma pauperis unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). There are no allegations in the complaint, however, that would show that Seltzer is in imminent danger of serious physical injury. As a result, the Court will order plaintiff Seltzer to pay the full filing fee of \$350 within 30 days of the date of this Order.

Accordingly,


**IT IS HEREBY ORDERED** that plaintiffs' motion for reconsideration is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that plaintiff Seltzer's in form pauperis status is **REVOKED**.

**IT IS FURTHER ORDERED** that plaintiff Seltzer shall pay the \$350 filing fee within 30 days of the date of this Order. Seltzer is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the filing of this action.

**IT IS HEREBY CERTIFIED** that an appeal from this Order would not be taken in good faith.

So Ordered this 15th Day of November, 2007.

  
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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE